



CITY OF IOWA CITY

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September 27, 2019

Ms. Margaret E. Johnson
Executive Director
Iowa Public Information Board
502 E. 9th Street
Des Moines, Iowa 50319

In re: IPIB Formal Complaint 19FC:0111 – Aleksey Gurtovoy/City of Iowa City

Dear Ms. Johnson:

This is in response to the above-named complaint.

As reflected in the e-mail exchanges attached to his complaint, the City of Iowa City promptly responded to Mr. Gurtovoy's September 3, 2019 open records request by emailing him 432 pages of scanned documents, redacting nothing, and only withholding emails protected by the attorney/client privilege.

Section 23.8 of the Iowa Code and the implementing regulations at 497 IAC 2.1(2) direct that upon receipt of a complaint IPIB reviews the complaint on its face to determine whether it is within IPIB's jurisdiction. Mr. Gurtovoy requests that the City of Iowa "formally repeal their apparent established practice" of providing electrically scanned copies of emails. This request is not within the jurisdiction of IPIB, as set forth in Section 23.6 of the Iowa Code.

Iowa City respectfully requests IPIB dismiss the complaint for lack of jurisdiction. In addition, the City of Iowa City submits that the complaint is legally insufficient. Should IPIB determine that it has jurisdiction, the City of Iowa City requests that it be allowed to respond in greater detail.

Sincerely,

Susan Dulek
Assistant City Attorney

Sent via U.S. mail and email <margaret.johnson@iowa.gov>